

**BROWN DEER VILLAGE BOARD  
MARCH 21, 2005 MEETING MINUTES  
HELD AT THE BROWN DEER VILLAGE HALL  
4800 WEST GREEN BROOK DRIVE**

The meeting was called to order by President Jaberg at 7:03 P.M.

**I. Roll Call**

Present: Village President Jaberg; Trustees: Baker, Krueger, Springman, Kundinger, Schilz

Absent: Trustees: Askew, Krueger

Also Present: Russell Van Gompel, Village Manager; Jesse Thyges, Assistant Village Manager/Community Services Director; William Dineen, Village Attorney; Larry Neitzel, Department of Public Works Superintendent; Arnie Gutkowski, Director of the Brown Deer Public Library

**II. Pledge of Allegiance**

**III. Public Hearing**

**A) Community Development Block Grants**

The public hearing was opened at 7:05 p.m. Mr. Van Gompel discussed the reprogramming of funds from past projects to complete the remodeling of the Village Hall front counter. No members of the public were present to comment. The public hearing was closed at 7:07 p.m.

**B) 2005 NR216 Report**

The public hearing was opened at 7:08 p.m. President Jaberg asked if the source of the problems with the Library pond was ever identified. Mr. Neitzel stated that the contamination was traced to a site in the City of Milwaukee, and that the Village is waiting for a report from the Department of Natural Resources and Milwaukee.

Mr. Neitzel discussed the process for reapplying for the State required storm water management permit, along with the review of the Village's storm water ordinance to ensure compliance.

Attorney Dineen asked if the State still allows joint permit applications. Mr. Neitzel stated that joint permits are still available, however, a joint permit no longer provides a cost savings to the Village.

President Jaberg inquired about the timeline for submittal of the permit application. Mr. Neitzel indicated that the application is to be submitted by March 31st. The public hearing was closed at 7:16 p.m.

**IV. Persons Desiring to be Heard**

Dave Matley, 8204 North Edge O Woods Drive, voiced concerns with the timeframe for renaming the Village Board Room, and stated that he felt there was a lack of follow-through on the Village's part. Mr. Van Gompel reviewed the Village policy for renaming public places along with the mandatory waiting period and stated that the plaque has been ordered.

**V. Consideration of Minutes: March 7, 2005 – Regular Meeting**

*It was moved by Trustee Schilz and seconded by Trustee Baker to approve the minutes of the March 7, 2005 regular meeting. The motion carried unanimously, with Trustee Kundinger abstaining.*

**VI. Committee Reports****A) Building Board – Trustee Krueger**

President Jaberg stated that the minutes were included in the packets for review.

**B) Beautification Committee – Trustee Kunding**

Trustee Kunding reported that a meeting was not held due to lack of a quorum.

**C) Park and Recreation Committee – Trustee Springman**

Trustee Springman reported on the co-sponsorship of a program with Judo Incorporated and the pond diving board project.

Trustee Springman inquired about the potential for linking the bike path with the Village Park. Mr. Van Gompel discussed the issues with cost, crossing the railroad tracks and drainage.

**D) 4th of July Committee – Trustee Krueger**

President Jaberg stated that the minutes were included in the packets for review and that the event planning is moving ahead.

**E) Ad Hoc Pond Committee – Village President Jaberg**

No report.

**F) Traffic and Public Safety – Trustee Askew**

No report.

**G) Library Board – Trustee Baker**

Trustee Baker reported that the library is pursuing the replacement of their LAN server, and stated that the other items will be taken up under new business.

**H) Community Development Authority – Village President Jaberg**

President Jaberg discussed the proposed Tax Incremental Financing District #3 project, and the Joint Review Board meeting scheduled for March 22 to take the final actions for creating the new Tax Incremental Financing Districts.

**I) Plan Commission – Village President Jaberg**

President Jaberg discussed the conceptual presentation made by Lowe's Home Improvement, the preliminary plat for Deerbrook Estates, and the public hearing scheduled for April 11 for a Conditional Use Permit application for an alcohol and tobacco store.

Attorney Dineen provided a reminder to the Board members about not having discussion outside of an open meeting on particular topics.

Trustee Kunding asked if the Community Development Authority (CDA) would review the proposed alcohol and tobacco store. Mr. Van Gompel stated that it is a land use decision for the Plan Commission;

however, the item could be placed on a CDA agenda for comments.

Trustee Kundinger asked if the CDA had any planning capacities. Mr. Van Gompel stated that the CDA usually only reviews proposals that require assistance.

Trustee Kundinger requested the item be placed on the next Village Board agenda to refer the matter to the CDA.

#### **J) Finance and Public Works Committee – Trustee Kundinger**

Trustee Springman reported that Kathy Kasza is working to complete the annual report, and discussed the status of outstanding claims, street bids, and the establishment of an easement near Brook Lane Apartments.

##### **1) Approval of Bid Received for North 62nd Street Water Main and Sanitary Sewer Lateral Relay Project.**

*It was moved by Trustee Springman and seconded by Trustee Kundinger to approve the contract for the North 62nd Street Water Main and Sanitary Sewer Lateral Relay Project to American Sewer Services, Inc. in the amount not to exceed \$453,858.00 and to reallocate borrowed funds and associated debt service from the Storm Water Utility to the Sanitary Sewer Utility in the amount of \$95,460.00. The motion carried unanimously.*

##### **2) Authorization to Execute 2005 State Grant Award for the Beaver Creek Storm Water Control Devices Project**

President Jaberg asked if the grant allowed for a cost share up to 50 percent of the total cost. Trustee Springman indicated that it would.

Mr. Neitzel discussed the reallocation of funds from other projects. Mr. Van Gompel added that a complete listing of the reallocations will be made available in the future.

*It was moved by Trustee Springman and seconded by Trustee Kundinger to authorize the execution of the Grant for the Beaver Creek Storm Water Control Devices Project. The motion carried unanimously.*

##### **3) Approve Replacement of Department of Public Works Trucks**

*It was moved by Trustee Springman and seconded by Trustee Kundinger to award the purchase of two 2006 International Model 2006-7400 4x2 cab/chassis in the amount of \$113,060, pursuant to the Brown Deer Public Works specifications, to Lakeside International Trucks, Inc. To award purchase and installation of two dump bodies, plows, spreaders, controls and related equipment in the amount of \$94,628, pursuant to the Brown Deer Public Works specifications, to Monroe Truck & Equipment, Inc. To award purchase of a 2005 Ford F-350 Crew Cab in the amount of \$20,207 and F-350 cab/chassis in the amount of \$19,647, pursuant to the Brown Deer Public Works specifications, to Ewald Ford in Hartford, WI. To award purchase and installation of one dump body, plow, spreader, controls and related equipment in the amount of \$20,250, pursuant to the Brown Deer Public Works specifications, to Monroe Truck & Equipment, Inc. The motion carried unanimously.*

President Jaberg asked if the purchases were under budget. Mr. Neitzel reviewed the estimates and the budgeted amounts for this purchase.

Mr. Van Gompel added that the purchases would not be from the Village Tax Levy, but would be paid for through a State of Wisconsin Trust Fund loan that has a low percentage rate.

Mr. Neitzel stated that payment for the equipment would not be required until delivery, which is scheduled for late 2005.

*It was moved by Trustee Springman to authorize the application for a State of WI Trust Fund Loan in an amount required pursuant to the purchase of the Department of Public Works equipment. The motion failed due to a lack of a second.*

Trustee Kunding asked for clarification of the expenditures. Mr. Van Gompel stated that the expenditures included the Department of Public Works equipment and a Speed Board for the Brown Deer Police Department, and also discussed the Village's purchasing policy. The Board further debated the expenditures.

President Jaberg added that the Village has the option of accepting all or a part of the loan funds. Mr. Van Gompel added that the acceptance of the funds will need to be brought back to the Village Board for approval.

*It was moved by Trustee Springman and seconded by Trustee Kunding to authorize the application for a State of WI Trust Fund Loan in an amount required pursuant to the purchase of the Department of Public Works equipment and the Brown Deer Police Departments Speed Board. The motion carried 4 – 1, with President Jaberg voting in opposition.*

#### **4) Consideration of Vouchers**

*It was moved by Trustee Springman and seconded by Trustee Kunding to approve for payment Check Numbers 46552 to 46623, Check Numbers 46624 to 46671, Check Numbers 46672 to 46722, Check Numbers 46752 to 46806 in the amount of \$360,579.60 and to ratify for payment, invoices due on or before March 21, 2005, in the amount of \$8,389.47, aggregating a total amount of \$368,969.07. The motion carried unanimously.*

#### **K) Personnel Committee – Trustee Baker**

Trustee Baker reported that there was no meeting held last month, and that the Village Manager's review is underway.

#### **VII. Unfinished Business**

None.

#### **VIII. New Business**

##### **A) Reprogram \$12,945.82 in Prior Years CDBG Funds to the Village Hall Front Counter ADA Accessibility Project**

President Jaberg asked for a clarification of the grant amount versus the reprogramming of funds, and asked if there were any unspent balances from previous projects. Mr. Van Gompel discussed the restrictions on the utilization of past funding.

*It was moved by Trustee Kunding and seconded by Trustee Springman to reprogram \$12,945.82 in Prior Years CDBG Funds to the Village Hall Front Counter ADA Accessibility Project. The motion carried unanimously.*

**B) Set Public Hearing for Membership in the Milwaukee County Federated Library System**

Mr. Gutkowski discussed the MCFLS history and financial issues.

President Jaberg discussed the contract with MCFLS, and stated that the option of not leaving the system does exist; however, the public hearing serves as an indication of possible action.

*It was moved by Trustee Kunding and seconded by Trustee Springman to set a Public Hearing before the Village Board for membership in the Milwaukee County Federated Library System for April 25, 2005. The motion carried unanimously.*

**C) Resolution No. 05-, “Resolution Relative to Requesting the State of Wisconsin to Increase the Amount of Funding in the State 2005-07 Biennium Budget for State Library System Aid”**

Trustee Baker summarized the resolution.

President Jaberg recommended a revision to the resolution that would urge State of Wisconsin funding levels to be increased to 13 percent.

*It was moved by President Jaberg and seconded by Trustee Baker to adopt Resolution No. 05-, “Resolution Relative to Requesting the State of Wisconsin to Increase the Amount of Funding in the State 2005-07 Biennium Budget for State Library System Aid” with the recommended revision. The motion carried unanimously.*

**D) Resolution No. 05-, “Resolution Relative to Requesting that Milwaukee County Appropriate \$1,500,000 for the Milwaukee County Federated Library System for the County-Wide Reciprocal Borrowing System for Calendar Years 2006, 2007 and 2008”**

Trustee Baker summarized the resolution and stated that the recommendation from the Library Board was unanimous.

President Jaberg stated her opposition to the resolution due to the potential negative impacts on taxes.

Mr. Gutkowski discussed the County’s past budgeting to accommodate for borrowing.

*It was moved by Trustee Baker and seconded by Trustee Springman to adopt Resolution No. 05-, “Resolution Relative to Requesting that Milwaukee County Appropriate \$1,500,000 for the Milwaukee County Federated Library System for the County-Wide Reciprocal Borrowing System for Calendar Years 2006, 2007 and 2008”. The motion carried 3 – 2, with President Jaberg and Trustee Kunding voting in opposition.*

**E) Resolution No. 05-, “Resolution Relative to Requesting that Milwaukee County Agree to Implementing the County-Wide Library Borrowing Collection/Redistribution Method for the Milwaukee County Federated Library System’s County-Wide Reciprocal Borrowing System for Calendar Years 2006, 2007 and 2008”**

Trustee Baker summarized the resolution. President Jaberg added that the recommendations from the Library Board and the ICC were unanimous.

Trustee Kunding asked for clarification of the funding calculations. Mr. Gutkowski clarified the county-wide funding calculations.

Trustee Schilz asked if there would be any additional burden on the City of Milwaukee. Mr. Gutkowski stated that it is dependent upon the funding formula that is utilized.

Trustee Kundingger voiced concerns with the County's funding mechanisms.

*It was moved by Trustee Baker and seconded by Trustee Springman to adopt Resolution No. 05-, "Resolution Relative to Requesting that Milwaukee County Agree to Implementing the County-Wide Library Borrowing Collection/Redistribution Method for the Milwaukee County Federated Library System's County-Wide Reciprocal Borrowing System for Calendar Years 2006, 2007 and 2008". The motion carried 3 – 2, with President Jaberg and Trustee Kundingger voting in opposition.*

#### **IX. Village President's Report**

President Jaberg reported on the following:

Milwaukee Metropolitan Sewerage District and Milwaukee County Federated Library System matters.

The meeting with the North Shore elected officials.

#### **X. Village Manager's Report**

Mr. Van Gompel reported on the following:

Jesse Thyges was promoted to Assistant Village Manager/Community Services Director.

The Community Development Authority's actions to approve the redevelopment projects for the Brown Deer Commerce Center.

Trustee Kundingger inquired about the relocation of the Bridge Center. President Jaberg stated that the situation was being handled by the landlord for the Commerce Center.

#### **XI. Recess into Closed Session pursuant to §19.85(1)(c) Wisconsin Statutes for the following reasons:**

(c) Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.

No closed session was held.

#### **XII. Reconvene into open session**

No closed session was held.

#### **XIII. Adjournment**

*It was moved by Trustee Schilz and seconded by Trustee Kundingger to adjourn at 9:11 p.m. The motion carried unanimously.*